IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2725 OF 2005

Shri Ramesh Sadashiv Gend ..Petitioner.

Versus

Shri Sadashiv Krishna Gend & Ors. ..Respondents.

Mr. A.V.Anturkar with Mrs. Vinita V. Bakre-Shastry for the Petitioner.

Mr. Vijay S.Gharat for Respondent No.1.

Mr. A.G. Palekar, AGP for Respondent No. 2.

CORAM : S. A. BOBDE, J.

DATED : 27TH JUNE, 2005.

P.C.:

. The main objection of Mr. Anturkar, the learned counsel for the Petitioner is that the Additional Commissioner, Pune Division, Pune has held Shri Ramesh Sadashiv Gend, the petitioner, as having no locus in R.T.S./Solapur/131/2003. Whereas, according to Mr. Anturkar, the very same officer has decided the two revisions in favour of said Ramesh.

The learned counsel for the Respondent states that the property itself is not in existence. Having regard to the fact that the civil suit between the parties has been filed by Sadashiv, the respondent herein, and I am of the view that the question of title etc., should be decided in accordance with the decision of that civil suit and the mutation entry should also be take in accordance with the decision therein. However, the said civil suit is said to have been dismissed in default. The learned counsel for the respondent states that he has applied for its restoration. Whatever be the actual position, the parties are at liberty to apply for a rectification in the revenue record in accordance with the final decision of the civil suit.

. Petition is disposed of in the above terms.

(S.A.BOBDE,J.)

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